

1 McGREGOR W. SCOTT
United States Attorney
2 CHI SOO KIM
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5
6 Attorneys for Defendant
United States Forest Service

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 CONSERVATION CONGRESS, a non-profit
11 organization,

12 Plaintiff,

13 v.

14 UNITED STATES FOREST SERVICE,

15 Defendant.

CASE NO. 2:18-CV-01694 JAM-DMC

**DEFENDANT’S REQUEST FOR PERMISSION
TO DISPENSE WITH THE REQUIREMENT OF
FILING A STATEMENT OF UNDISPUTED
FACTS AND [PROPOSED] ORDER**

16
17 Defendant United States Forest Service (“USFS”) respectfully submits its Request for
18 Permission to Dispense with the Requirement of Filing a Statement of Undisputed Facts as required
19 under Eastern District Local Rule 260(a) because this Court’s review of Plaintiff’s claims under the
20 Administrative Procedure Act (“APA”) is limited to the administrative record. “[R]equests to dispense
21 with the requirement of filing a statement of [undisputed] facts are routinely granted in this District”
22 because “[i]n APA cases, statements [of undisputed facts] are generally redundant because all relevant
23 facts are contained in the agency’s administrative record.” *San Joaquin River Group. Auth. v. Nat’l*
24 *Marine Fisheries Serv.*, 819 F. Supp. 2d 1077, 1084 (E.D. Cal. 2011). Accordingly, Defendant requests
25 that the Court permit it to dispense with Local Rule 260(a)’s requirement of filing a Statement of
26 Undisputed Facts when filing its Cross-Motion for Summary Judgment.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: December 11, 2018

Respectfully submitted,

McGREGOR W. SCOTT
United States Attorney

/s/ Chi Soo Kim
CHI SOO KIM
Assistant United States Attorney

ORDER

IT IS SO ORDERED.

Dated: 12/11/2018

/s/ John A. Mendez
JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE